

III. REMARKS

1. Claims 1, 11 and 19 are amended.

2. Claims 1-2, 5, 11 and 19 are not anticipated by Tait et al. (US 5,550,358) ("Tait") under 35 U.S.C. §102(b).

Regarding claim 1, 11 and 19, Tait does not disclose a wireless smart card reader. Tait only discloses a hand-held transmitter (Part 10 Fig. 1). The transmitter may contain information related to several credit cards so that the transmitter 10a can be used with more than one credit card. (Col. 5, lines 53-67). However, this hand-held transmitter 10a shown in FIGS. 2, 4 and 7 of Tait is not a device for reading "smart" cards. All that is shown in Tait is a receiver 12 coupled to a "conventional card swipe machine 30" by a "cable and connector 32, 34" (Col. 5, lines 11-12). This is not the same as the "wireless smart card reader" as is described and claimed by Applicant. Tait does not disclose setting up a secure wireless data transmission link between the conventional card swipe machine 30 and the receiver 12 using the "selected key code". Thus, the features of claim 1 are not disclosed or suggested by Tait and the claims should be allowable.

Regarding claim 1 and 19, Tait does not disclose the transmitter (Part 10, Fig. 1) being a mobile phone. Tait merely states that RF circuits could be added to the transmitter and receiver so that the user is able to complete transactions remotely. Tait also states that communication between the transmitter and the receiver is exclusively one-way. This is not a mobile phone as claimed by Applicant. Tait also relates to a conventional card swipe machine (Part 30, Fig. 1) comprising a receiver (Part 12, Fig. 1). This is not a mobile phone as claimed by Applicant.

Thus, each feature of claims 1, 11 and 19 are not disclosed or suggested and the claims should be allowable.

3. Claims 3, 9, 12-14, 15-17 and 27 are not unpatentable over Tait in view of Nishiyama (US 5,436,954) under 35 U.S.C. §103(a). Claims 3, 9, 12-14 and 15-17 should be allowable at least in view of their respective dependencies.

Regarding claim 27, the hand-held transmitter of Tait is not a wireless smart card reader and does not disclose a display device fixed to it as noted by the Examiner. The portable radio telephone set disclosed in Nishiyama uses a rotary selector by means of which the menu displayed on the display section of the portable radio telephone set is controlled. The rotary selector of Nishiyama cannot be used without the display section to control the position of a cursor or to select letters or symbols (column 8 lines 33 - 43). As mentioned in claim 27, the device according to the invention is provided without display and keypad. Therefore, a person of ordinary skill in the art would not be motivated to combine the teachings of Tait and Nishiyama because the hand-held transmitter of Tait does not comprise a similar display section, and Nishiyama is not directed to a transaction system comprising a card swipe machine as is Tait.

Tait and Nishiyama do not address the problems addressed by Applicants' invention. Since Tait and Nishiyama are not in the same field of endeavour as the Applicants' endeavour and are not reasonably pertinent to the particular problem with which the Applicants were concerned, Tait and Nishiyama are not analogous art. Therefore, Tait may not properly be combined with Nishiyama for purposes of 35 U.S.C. §103(a).

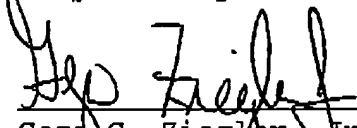
Thus, claim 27 should thus be allowable.

4. Claims 4, 6-7, 10, 18 and 21 are not unpatentable over Tait in view of Rahman et al. (5,627,355) ("Rahman") under 35 U.S.C. §103(a). These claims should be allowable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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